

October 14, 2003

DOUG SCHAFER
1916 70th AVE W #C-3
UNIVERSITY PLACE WA 98466

Subject: Complaint Filed Against Judge Ronald E. Culpepper, PDC Case No. 04-276

Dear Mr. Schafer:

The Public Disclosure Commission staff has completed its investigation of your complaint received September 30, 2003 alleging that Pierce County Superior Court Judge Ronald E. Culpepper violated RCW 42.17.080 and 42.17.090 by failing to report expenditures incurred or in-kind contributions received.

You alleged that Judge Culpepper's campaign (Culpepper Campaign) either failed to report its expenditures or failed to report in-kind contributions received for the cost of filing a lawsuit on or around August 15, 2003 challenging your placement on the ballot, in your race for Pierce County Superior Court Judge. You alleged that Judge Culpepper's legal team consisted of lawyers Ronald E. Thompson, Philip R. Sloan and possibly other lawyers.

We found that:

- Judge Culpepper personally paid \$1,250 to retain and employ Ronald E. Thompson to represent him in a lawsuit filed in King County Superior Court challenging your inclusion on the November 3, 2003, election ballot for Pierce County Superior Court. Judge Culpepper stated that he personally researched the issues in preparation for the lawsuit and asked his spouse to type the brief. Judge Culpepper stated that at no time did he or his attorney employ Philip R. Sloan concerning these proceedings.
- Although Philip Sloan attended the hearing in question and provided Mr. Thompson with a case citation, he did so of his own volition and did not participate further in the hearing. Frank Krall, representing Pierce County, Mr. Thompson and Judge Culpepper confirmed Mr. Sloan's account of his participation.

- Judge Culpepper stated that he did not consider the costs he incurred for the lawsuit to be a campaign related cost because the lawsuit was filed to determine whether there would be an election for Pierce County Superior Court Judge. After discussing the issue with PDC staff, Judge Culpepper decided to report the legal fees as an in-kind contribution to his campaign from himself.
- The Culpepper Campaign amended its August 2003 Summary report (PDC form C-4) by reporting an in-kind contribution from Judge Culpepper made on August 15, 2003, of \$1,250 for legal fees paid to Ronald Thompson, in accordance with RCW 42.17.080 and 42.17.090. The amended C-4 report was received on September 29, 2003, nineteen days later than the September 10, 2003 deadline to report August activity. Although these expenses were reportable contributions of the campaign at the time they were incurred, the information has been disclosed well before the general election. The Culpepper Campaign will be cautioned to insure that all reportable in-kind contributions of the campaign are properly disclosed.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Judge Ronald Culpepper Campaign.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Judge Ronald E. Culpepper